

## **REMARKS**

In view of the above amendments and the following remarks, reconsideration and further examination are requested.

### **I. Telephone Interview**

The Applicants would like to thank Examiner Lim for conducting a telephone interview on Thursday, March 4, 2010. During the interview we discussed the limitations of new draft independent claims 24, 28, 34 and 35 in view of the Miyamoto and Borge references.

Specifically, during the interview the Examiner kindly agreed that the previously referenced portions of the Miyamoto and Borge references do not appear to disclose or suggest the newly defined structure required by independent claims 24, 28, 34 and 36. More specifically, the Examiner agreed that Miyamoto and Borge do not appear to teach the structure of the first and second game recording mediums that have recorded thereon first and second game programs and permission and prohibition information, respectively.

Furthermore, during the interview, the Examiner also suggested that in order to increase the likelihood of overcoming the Miyamoto and Borge references, the Applicants may wish to consider further amending the claims to clarify the permission information and prohibition information.

### **II. Amendments to the Claims**

In view of the above, claims 1-23 have been cancelled without prejudice or disclaimer of the subject matter recited therein.

Further, new claims 24-36 have been added. Support for new claims 24-36 can be found, at least in Fig. 5 (see DVD 500, stationary main program 511, height flag 562 and weight flag 563), Fig. 24 (see cartridge 400, stationary game program 411, height flag 462 and weight flag 463), Fig. 10 (see steps S114 and S117) and Fig. 26 (see steps S414 and S417), and in the corresponding descriptions in the specification.

### **III. 35 U.S.C. § 103(a) Rejection**

Claims 1-4, 6-14, and 16-23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Miyamoto et al. (E.P. Patent No. 0991007) in view of Borge (US 2005/0059483). This rejection is believed clearly inapplicable to new claims 24-36 for the following reasons.

New independent claim 24 recites a game system including a first recording medium that records therein permission information, and including a second recording medium that records therein prohibition information. In addition, claim 24 recites that the system includes a first game execution apparatus that changes an attribute of a character in accordance with the permission information recorded in the first recording medium, and includes a second game execution apparatus that prohibits the attribute of the character from being changed in accordance with the prohibition information recorded in the second recording medium. Miyamoto and Borge, or any combination thereof fails to disclose or suggest the above-identified distinguishing limitations, as recited in claim 24.

Miyamoto teaches that a game system utilizes a first game machine and a second game machine. The backup data obtained through playing a first game on the first game machine is

memorized in a first game cartridge. The first game cartridge is attached to an extension adapter, and the extension adapter is in turn mounted on a controller for the second game machine. Accordingly, the backup data of the first game machine is taken into the second game machine. The second game machine is attached with a second game cartridge. The second machine executes a second game by processing the backup data according to a second game program set up in the second game cartridge (see abstract).

Borge teaches that an action figure is provided with a serial number that provides an access code which allows owners to engage in enjoyable games or other activities via the Internet or other gaming systems. The interactive action figure system comprises a toy, statue, or other three-dimensional figurine with a serial number, and preferably a computer network accessible over the internet and a particular gaming framework managed by a network device. Owners of action figure toys may “log onto” the network using the action figure serial number as an access code to activate a particular computer character identity and participate in games such as hand-to-hand combat games, action-adventure series, or learning games. The action figure may be, for example, a warrior, sports figure, doll or teddy bear to appeal to a wide range of users. Once a particular character is activated, game play proceeds according to preset rules. The game character's traits, powers, and other features may be enhanced or otherwise modified by purchasing preferably-three-dimensional accessories and inputting serial numbers into the gaming system that are also supplied with the accessories. (see Abstract).

However, both Miyamoto and Borge fail to disclose or suggest that the first recording medium records permission information, the second recording medium records prohibition information, the first game execution apparatus changes the attribute of the character that appears

in the first game in accordance with the permission information recorded in the first recording medium, and the second game execution apparatus prohibits the attribute of the character that appears in the second game from being changed in accordance with the prohibition information recorded in the second recording medium, as required by claim 24.

Therefore, because of the above-mentioned distinctions it is believed clear that independent claim 24 and claims 25-27 that depend therefrom would not have been obvious or result from any combination of Miyamoto and Borge.

New independent claims 28, 34 and 35 are directed to an apparatus, a method, and a program, respectively and each recite features that correspond to the above-mentioned distinguishing features of independent claim 24. Thus, for the same reasons discussed above, it is respectfully submitted that independent claims 28, 34 and 35 and claims 29-33 and 36 that depend therefrom are allowable over any combination of Miyamoto and Borge.

#### **IV. Conclusion**

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance and an early notification thereof is earnestly requested. The Examiner is invited to contact the undersigned by telephone to resolve any remaining issues.

Respectfully submitted,

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